Call to Order:

The meeting was called to order at 7:40 p.m. Present were Chair, Joan Duff, members Vincent Chiozzi (arrived at 7:42 p.m.), Jay Doherty, Eric Macaux (arrived at 7:47 p.m.), Lelani Loder, and associate member Zach Bergeron; also present were Paul Materazzo, Director of Planning and Jacki Byerley, Town Planner.

Warrant Articles 2013 Town Meeting:

Mr. Materazzo explained to the Board that for bonding purposes, the Planning Board is required to take a vote on any warrant article that is over \$100,000 and either recommend Town Meeting approval, disapproval or take no action. He asked the Board if there were any articles from the list provided that they would want more information on before a vote was taken. The Board agreed that they would like more information on the articles for the Chandler Road Land Acquisition, Ballardvale Fire Station, Doherty Middle School Improvements and High School Tennis Court Improvements.

Preliminary Warrant Articles P-51, P-52 and P-53 - ID2 District

Ms. Duff opened the public hearing that was continued from the March 12, 2013 for the proposed Preliminary Warrant Articles P-51, P-52 and P-53 to see if the Town will Amend Article VIII, Section 2.1 of the Zoning Bylaw by adding at the end of Section 2.1, ID2 – Industrial District and amending the Zoning Map to establish and ID2 District as shown on the plan titled, "Proposed Zoning District ID2 Dascomb Road" and "Proposed Zoning District ID2 River Road."

Mr. Materazzo gave an overview of the proposed articles. He stated that the main goal of these articles is to provide flexibility in zoning to encourage occupancy at currently empty buildings in the industrial zones, and that area businesses are welcoming the opportunity for small scale uses.

Bruce Belbin of 204 Chandler Road asked about the potential traffic impact. Mr. Materazzo informed him of the Special Permit Criteria built into the zoning language to mitigate traffic. Mr. Belbin stated that the only way to mitigate traffic would be to expand the number of lanes which would be impossible because of the abutting private properties. Don Ross of 198 Chandler Road added that River Road cannot handle more traffic. Mr. Materazzo countered that some of the uses may allow for traffic to be taken off of the road at peaks times due to the complementary nature of the use. If an indoor commercial recreation building was put in this area, people may stay after work to exercise and may result in less traffic on River Road at 5PM.

James Landy of 72 Brundrett Avenue expressed that the business parks in the area are popular, occupied and thriving so he asked what the motivation behind this zoning change. Mr. Materazzo answered that industry is changing and these business parks are now competing with the other corridors of 93, 95 and 495 to attract businesses. The business parks in Andover lack the amenities that other cities and towns can offer the businesses and that the businesses can offer to their employees.

Tama Konjoian of 48 Brundrett Avenue asked how this would affect property values if there is a Dunkin Donuts next to a house. Mr. Materazzo stated that vacant buildings do not optimize the tax base of Town. If the industrial park is not healthy, it is not healthy for the community. Ms.

Warrant Articles 2013 – ID2 District (cont'd):

Konjoian stated that she works for Putnam Investments and they provide amenities for their employees so she doesn't see why other businesses can't do the same. Mr. Materazzo informed her that Putnam Investments is supporting this article because it is a way to help recruit and retain more employees.

Carol Andre of 5 Fossen Way asked if these were the only Industrial areas along Route 93 or if there were more industrial areas between the two. Mr. Materazzo pointed out other industrial zones in between. She asked if it was possible to separate the two areas from each other to be treated as separate issues so that one area could be rezoned without the other also being rezoned. Mr. Materazzo answered that there are three separate articles pertaining to this rezoning. There is an article that adds an ID2 district to the Zoning Bylaw, an article that would make northern River Road an ID2 district and an article that would make the Dascomb Road area an ID2 district, so each area can be considered independently. She then asked about the potential for landscaping and berms such as the current berms that shield residential properties. Mr. Materazzo outlined the Special Permit Criteria regarding landscaping and any development fitting into the character of the neighborhood. She also inquired why the whole area has to be rezoned and why individual parcels cannot be rezoned when there is a project ready to go. Mr. Materazzo answered that it is against the law to "spot zone" individual parcels. She then asked Mr. Materazzo if he knew how many residences would be rezoned by this change. He pointed out the three houses on Old River Road on the west side were of Route 93, the houses on Old River Road on the east side of Route 93 and the houses on River Road on the east side of Route 93. He clarified for Ms. Andre that the rezoning will not encompasses anything on the south side of River Road.

Paul Conley of 74 River Road questioned why areas of the south side of River Road were not included in the rezoning because he would look at that as an opportunity to sell his property. Mr. Materazzo responded that the working group did not want this to creep out into the neighborhoods because they would bring another level of concern. It could be something that could become a Phase II in the future if this article is successful. Mr. Materazzo reiterated that under that current zoning, a large office building could go in tomorrow that would also contribute to traffic. Mr. Conley responded that in terms of traffic, an office building would increase traffic at set times in the morning and afternoon, not at night or on the weekends.

Linda Sullivan of 4 Donald Circle expressed that over the last ten years due to an increase in traffic from the companies, she can no longer walk her dog up Chandler Road. If supermarkets and CVS's are added, Chandler Road, North Street and River Road are going to be parking lots. Ms. Loder responded that the residents could look at this as an opportunity for potential developers to improve traffic or add sidewalks in areas where they do not exist. Ms. Sullivan responded that she bought her house in the suburbs and she does not want sidewalks, McDonalds, Burger King or the city. That is why she bought in the suburbs.

Lynne Robidoux of 21 Brundrett Avenue stated that there was not enough detail in the meeting postings on the Town website and newspaper on what this change was about, so the Planning Board was not being transparent. Ms. Duff responded that this public hearing is an example of transparency and an opportunity for the Board to get the public's feedback. This has not been

Warrant Articles 2013 – ID2 District (cont'd):

developed outside the public's eye, there have been experts and consultants guiding the Board through this process. There are people in Town who think this is a bad idea and there are people in Town who would like extra services to be added. Ms. Robidoux stated that the Planning Board plans out a district but they do not come out to see what happens afterwards. There is a Chili's and a Chateau that do not fit in with the description of what Andover should be based on the Town's Master Plan. Chili's and Chateau are not appealing. She stated that these businesses bring in money, but Andover is not poor, and this is not something that Andover needs for its financial well being immediately. The people who live in these areas have lost everything, do not have the same privileges as people who live in nicer parts of Town but they pay the same amount of taxes.

Owen Paul Matthews of 5 Donald Circle asked for a clarification of who wants this change. Mr. Materazzo answered area residents and businesses in West Andover.

Ms. Duff explained to the audience that not everyone may have gotten a notice from the Town that this was to be discussed, but it has been in the Townsman multiple times and has gotten notice in other places over the past year. This is something that the Planning Board is bringing to the Town for consideration. The Planning Board will not make the final decision on the, it is something that is voted on at Town Meeting by all residents. This is a forum to get input from residents throughout the process. Mr. Materazzo noted that seeking flexibility in the industrial districts is a long standing goal for the Town and the Planning Board that dates back to the 1992 Master Plan. Mr. Macaux added for clarification that this is not a proposal to build something. There are rights that exist and have existed for a long time to build things in these areas. All this does is changes what those things are that you can build. It doesn't build more things or fewer things or build anything it all. It simply changes what types of things can be built.

Gerry Caruso of 12 Somerset Drive stated that he has been a real estate attorney for over 20 years and in his experience, this is being done for a development to happen. He is part of the Land Policy Institute in Boston and he asked if the Town has considered using a Smart Zone Planner or other specialist. He felt that better language was needed in the zoning in order to limit things. He asked what was ideally seen in this area. Mr. Materazzo answered that he has been approached by medical uses. Facilities such as a Leahy North could be come to Town if the zoning is changed. He also stated that businesses like Burger King and McDonalds would probably not see this area as attractive because of the Town's restriction on drive thrus. He sees this area more for a Panera or a Starbucks. Mr. Caruso noted that he felt that building a buffer zone into the amendment would appease a lot of people. Mr. Materazzo responded that getting too specific in the zoning may handcuff the flexibility of what the market may want to do. By allowing these uses only by a Special Permit, this gives the Board more flexibility in working with a developer to put in a buffer or enhance a public road that would make the project fit within the fabric of the area.

Marty Spagat, President of Brookstone Properties and developer of Minuteman Park stated that the biggest problem his company has in attracting new tenants is the lack of amenities in the area. The trend is now to be closer to Boston or to an area that can provide amenities such as a dry cleaner or drug store. Businesses are having trouble keeping employees because they don't

Warrant Articles 2013 – ID2 District (cont'd):

want to work in such an isolated area. He stated that he has also gotten calls from area residents who want small retail, dry cleaners and convenience stores in this area because they have to go far to get these services.

On a motion by Mr. Macaux, seconded by Ms. Loder, the Board voted to continue the public hearings on Preliminary Warrant Articles P-51, P-52 and P-53 to see if the Town will amend Article VIII, Section 2.1 of the Zoning Bylaw by adding at the end of Section 2.1, ID2 – Industrial District and amending the Zoning Map to establish and ID2 District as shown on the plan titled, "Proposed Zoning District ID2 Dascomb Road" and "Proposed Zoning District ID2 River Road" to Tuesday, April 9th at 8:00p.m. **Vote:** Unanimous (5-0).

Warrant Articles 26 and 27 – Senior Residential Community Overlay District
Ms. Duff opened the public hearing for the Warrant Articles 26 and 27 to see if the Town will add a new Section 8.8 Senior Residential Community Overlay District (SRCOD) and if the Town will Amend Section 2.2 (Overlay Districts) by adding at the end of Section 2.2, Senior Residential Community Overlay District and amend the Zoning Map to establish a Senior Residential Community Overlay District.

Charlie Kendrick of 8 Forbes Lane, co-chair of the Franciscan Overlay Task gave an overview of the proposed Senior Residential Community Overlay District located on River Road at the former Franciscan Center property and some additional surrounding parcels. An effort began with the 1992 Master Plan to create a more diverse stock of housing in Town. He showed that from a 2012 survey of citizens, transportation, variety of housing options and walkability received low marks from citizens. As of 2010, over 25% of the Town's population is over 55 years old, and an even greater percentage is between the ages of 35 and 54. The Town's housing stock does not respond favorably to this aging population. The Franciscan Center land which is about 77 acres is for sale and this presents a specific opportunity to capitalize on what has been planned for by the Town for the last twenty years. The land is on the Merrimack River with a walking trail along the shore. Mr. Kendrick reviewed what uses are currently allowed on this land which is zoned SRC, and showed how it could potentially be developed for 44 single family homes. The goal is to create an overlay district on this site to provide more interesting and diverse housing essentially aimed at the growing aging population. Mr. Kendrick highlighted the constraints of the land which near the river consists of steep slopes and ledges which makes the land 50% unbuildable. Housing will be available for those over the age of 62, but the most likely scenario is that residents will be over the age of 80 which is the trend in senior housing. A mix of housing designs will be provided to appeal to the population and to the great range of incomes in that population. The residential community will include services that will create jobs, and will open up to taxation a piece of land that is currently not taxable. This community would not put a strain on the Town budget because it will be bringing in new taxes for the Town and contributing to its operating budget. A goal of the overlay is to protect the land on the River even more than it is now. This would also allow more land use patterns than in the current zoning. The warrant is designed to allow for more than one entity to come in for this development. The timing for the development of this type of community is good now in terms of market conditions.

James Landy of 72 Brundrett Avenue commented that the riverfront is conservation land and he wanted to know if there was a commitment to honor the first 100 yards off the river as non-

Warrant Articles 2013 - Senior Residential Community Overlay District (cont'd):

buildable. Mr. Kendrick informed him that the land along the river is unbuildable due to the topography, and the riverwalk is legally only a temporary easement. Kate Allard of 21 Launching Road commented that it was AVIS land. Mr. Materazzo pointed out the land that is owned by AVIS, but the riverfront is not part of the AVIS land. It is private property and there is an easement to access the AVIS land through private property that could be extinguished within 30 days if the property owner saw fit. Mr. Materazzo pointed out that part of this overlay calls for a minimum requirement of 30% of the total acreage of the development to be permanently protected. A developer would want to build on the upland area and set aside the area adjacent to the river with various environmental constraints to be given to AVIS or the Town's Conservation Commission and work with the Town to make it accessible for the community.

Kate Allard of 21 Launching Road stated that she would have concerns regarding strains put on the West Andover fire department by this type of development. Mr. Kendrick stated that they have been working with Fire and Police personnel for over a year to see how they will be able to provide proper services. Ms. Duff stated that Interdepartmental Reviews would be held to go over any plans and proposals and police and fire officials would take part in that process. Ms. Allard asked for confirmation that there would be no children in this type of development and it was confirmed that it would be for those over the age of 62 only.

Susan Big of 49 School Street asked what types of transportation would be provided for the residents who did not drive. Mr. Materazzo answered that it is written into the zoning language that transportation must be provided. James Landy of 72 Brundrett Avenue commented that the area is very far away from any amenities, and older people like to be able to walk to such places. He questioned if there was a better place for this type of community that would allow for the elderly to walk to different places. Ms. Duff noted that similar communities, like Edgewood in North Andover, provide services onsite for the residents. Arthur Friedman of 5 Stoneybrook Circle and co-chair of the Task Force added that any developer would have to provide transportation, and this community would be permitted to have certain services such as a beauty parlor and the distribution of medication onsite.

Michael DeLuca of 6 Norwich Place commented that he has experience with Edgewood and he has found that people who live in these types of communities rarely leave the property. This land is a wonderful jewel and this overlay is a tremendous opportunity for the Town.

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board moved to close the public hearing for Warrant Articles 26 and 27, Senior Residential Community Overlay District. **Vote:** Unanimous (5-0).

800 Federal Street:

Ms. Duff opened the public hearing that was continued from the February 26, 2013 meeting on an application by Schneider Electric for a modification of a Major Non-Residential Special Permit to expand the building at 800 Federal Street from 237, 974 gsf to 240,884 gsf. Ms. Byerley reviewed the items that were left open from the previous meeting. She stated that the Conservation Commission issued an Order of Conditions based on the plan set submitted to the Planning Board. The one lane loading dock meets all of the requirements of Section 5.1.4.5 of the Zoning Bylaw. The applicant also provided the state noise requirements that the Board had asked for. MassDEP requires that a noise level testing take place at the property line prior to

800 Federal Street (cont'd):

installation of noise generating equipment and at the time of placement of the equipment to ensure that the noise regulations are not exceeded.

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board moved to close the public hearing for 600-800 Federal Street Modification of a Major Non-Residential Special Permit **Vote:** Unanimous (5-0).

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board moved to find that the application submitted for the addition at 800 Federal Street will not be unreasonably detrimental to the character of the neighborhood and Town and it is in harmony with the general purpose and intent of the Zoning Bylaw. **Vote:** Unanimous (5-0).

On a motion by Ms. Loder, seconded by Mr. Macaux, the Board moved to approve the 2,910 sf lab addition and associated site work for 800 Federal Street with the above-mentioned four conditions. **Vote:** Unanimous (5-0).

St. Augustine's School:

Ms. Duff opened the public meeting that was continued from the February 26, 2013 meeting for review of the site plan review dover use for St. Augustine's School on a proposal for the construction of a 6,915 s.f. gymnasium.

Ms. Byerley reviewed the issues that were brought up at the February 26th meeting. In regards to traffic, the applicant has listed a total of 48 cars would access the property during the twelve weeks the gym will be hosting basketball games, and 51 parking spaces are provided. The Police Safety Officer is comfortable with the access drive but he does feel that the school should encourage parking offsite during basketball games. Ms. Byerley reminded the Board that the only new traffic generated from this project will be from basketball games that will take place for 12 weeks. The main use of the gym is for daily physical education classes throughout the school year for the 400 plus student population. That main use will not generate additional traffic or parking requirements. The private way needs to be repaired due to a water main break that caused the road to settle and it will have to be reconditioned after additional drain line work takes place. The existing dumpster can remain in its existing place down the stairs from the municipal parking lot. The Town has contracted with ESS Group, Inc. to perform a peer review on the drainage calculations that were provided by Design Consultants, Inc. One review has already taken place and ESS Group submitted written comments that Design Consultants has responded to. Ms. Byerley anticipates within a day or two, to receive a response from ESS Group as to whether Design Consultants has satisfied all of their comments. Ms. Byerley reminded the Board that the drainage review is only on the additional runoff that the construction of the gym will create. A letter was received by Brian Moore, the Town Engineer, from five of the abutters regarding the runoff and drainage from the municipal parking lot and Olde Andover Village. Mr. Moore will make an assessment on the municipal parking lot later in the spring when the ground is no longer frozen. There is an existing cross-connection between the sewer and a drain line that are causing both lines to not work well today. St. Augustine's will remove the cross-connection which will help the drain. Ms. Byerley also stated that four abutters have requested in a letter addressed to Joan Duff, that the Archdiocese be present for all meetings, St.

Augustine's School (cont'd):

however the Archdiocese has written a letter to the Town appointing Fr. Gori as their representative and acknowledging that they are fully aware that this project is before the Planning Board. The abutters requested information on what the recently purchased home will be used for. She reminded the board that this review is for the construction of a gymnasium, and the future use of that house has nothing to do with the proposal before them. If the use of that house is ever changed, they will have to come before the appropriate Town Departments for a review. Their intention to use it as a staging area for the contractors is allowed. The Board of Health had further comments based on the revised plans that would need to be addressed when they come for their building permit. The DPW has issued a revised memorandum and Design Consultants is working on answers to this memo. Ms. Byerley informed the Board of the landscaping plans that include screening of the Chestnut Street property. Trees and an existing fence by the playground will remain and there will be additional landscaping around the gym.

Dr. Lowell Rosman of 51 School Street addressed the Board on behalf of his wife and abutters Susan Big of 49 School Street, Bill and Linda Ryan of 53 School Street, Mary Grant of 47 School Street, Susan and Bill Vogel of 45 School Street, Jamie Lyman of 50 School Street and Fred Callanen of 9 Chestnut Street. Mr. Rosman reiterated that the abutters are not against the gymnasium and have no objection to the design or the siting. Their major concern is for the amount of traffic on St. Augustine's Way. The traffic that was confined to the morning drop-off and afternoon pickup will now expand to nights and weekends for the basketball games. He stated that the enjoyment of his property and access to his home have been compromised by the school's use of the private way to which he has an easement. They are requesting that any Order of Conditions include a clause that the Archdiocese must sign off on anything because in the past, agreements made with the Pastor have been negated by the Archdiocese. Dr. Rosman went over a list of fifteen additional conditions that the abutters would like imposed and entered the list into the public record. Ms. Byerley informed the Board that they should take all of Dr. Rosman's conditions under consideration.

Mr. Chiozzi asked how long it should take to address the drainage issues. Ms. Byerley informed him that ESS Group should have final recommendations by Friday or Monday. Further responses are only needed for DPW's comments.

David Giangrande, the engineer on the project, informed the Board that the building that was taken down was not just a convent, but a religious education center. There were almost 1200 children using that facility that walked down St. Augustine's Way, and with its demolition, the number of people using it was greatly decreased. The demolition of the building also had a significant impact on the drainage.

Mike O'Dea, the Facilities Director for St. Augustine's let the Board know that the request by the abutters for tree or shrub placement at the top of the parking lot cannot be granted because the Town owns the property, not St. Augustine's, and landscaping there would cause issues with snow removal.

Ms. Duff asked Ms. Byerley to confirm that it is the Town's property.

Augustine's School (cont'd):

Susan Big added that when the Christian Education Center was in use, the students walked down the lane and there was a crossing guard provided for them, they did not come in by car.

Fred Callanen of 9 Chestnut Street asked if the engineer had brought with him an overview of the site with the abutters' properties on it. Mr. Giangrande put up a board with an aerial of the property and the abutters' properties. He showed that the existing playground will stay intact and there will be no change in close proximity to Mr. Callanen's property.

Mr. Doherty asked if there was any thought put into having cars come in St. Augustine's Drive and Exit out through to Chestnut Street on the weekends. Ms. Byerley stated that she would bring that idea up with the Police Safety Officer. Mr. Callanen stated that the turn radius on to Chestnut Street is difficult and it makes more sense to use the municipal parking lot.

The Board discussed scheduling a site walk and when would be the most appropriate time of day. Susan Big of 49 School Street stated that the main traffic is in the afternoon because the morning dropoff is staggered. Paula O'Dea, Principal of St. Augustine's School let the Board know that the afternoon dismissal is 3:00-3:10p.m.

There was a discussion on the staking on the property and David Giangrande stated that the corner to the southwest is not easily accessible due to the presence of a fence. Dr. Rosman questioned why the property cannot be accessed since the school owns it.

The Board agreed that a site walk would take place on Friday, April 5th at 8:30 a.m.

On a motion by Mr. Macaux, seconded by Ms. Loder, the Board voted to continue the public meeting for the Site Plan Review Dover Use for St. Augustine's School to Tuesday, April 9, 2013 at 7:30p.m. **Vote:** Unanimous (5-0).

Warrant Articles 2013 Town Meeting:

Warrant Articles 26 and 27 – Senior Residential Community Overlay District

On a motion by Mr. Macaux seconded by Ms. Loder, the Board voted to recommend approval of Warrant Article 26 and 27, Senior Residential Community Overlay District.

Vote: Unanimous (5-0).

Adjournment: The meeting was adjourned at 9:54 p.m.